



THE IMPRISONMENT FOR DEBT LIMITATION (DISTRICT COURTS) RULES 1949, AMENDMENT NO. 3

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 24th day of March 1980

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to section 2 of the Imprisonment for Debt Limitation Act 1908 and section 122 of the District Courts Act 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following rules.

RULES

1. Title and commencement—(1) These rules may be cited as the Imprisonment for Debt Limitation (District Courts) Rules 1949, Amendment No. 3, and shall be read together with and deemed part of the rules heretofore known as the Imprisonment for Debt Limitation (Magistrates' Courts) Rules 1949* (hereinafter referred to as the principal rules).

(2) These rules shall come into force on the 1st day of April 1980.

2. Altering Title of principal rules and amending rules—(1) The principal rules may hereafter be cited as the Imprisonment for Debt Limitation (District Courts) Rules 1949.

(2) The Title of the principal rules and the Titles of—

(a) The Imprisonment for Debt Limitation (Magistrates' Courts) Rules 1949, Amendment No. 1; and

*S.R. 1949/188

Amendment No. 1: S.R. 1952/243

Amendment No. 2: S.R. 1956/82

(b) The Imprisonment for Debt Limitation (Magistrates' Courts) Rules 1949, Amendment No. 2—
are hereby consequentially amended, in each case, by omitting the word "Magistrates'", and substituting the word "District".

(3) Every reference in any enactment to any of the said rules is hereby consequentially amended by omitting the word "Magistrates'", and substituting the word "District".

3. Use of seal—Rule 7 (2) of the principal rules is hereby revoked.

4. Issue of judgment summons—(1) Rule 12 (2) of the principal rules is hereby amended by omitting the expression "thirty miles" wherever it occurs, and substituting in each case the expression "50 kilometres".

(2) Rule 12 (3) of the principal rules is hereby amended by omitting the expression "thirty miles", and substituting the expression "50 kilometres".

5. Service of judgment summons—Rule 13 (3) of the principal rules is hereby amended by omitting the expression "fifty miles" in both places where it occurs, and substituting in each case the expression "80 kilometres".

6. Conduct-money—Rule 14 (1) of the principal rules (as amended by rule 3 of the Imprisonment for Debt Limitation (District Courts) Rules 1949, Amendment No. 2) is hereby amended—

(a) By omitting the expression "5 miles", and substituting the expression "10 kilometres";

(b) By omitting the expression "5s", and substituting the expression "\$3.00".

7. Admission of evidence by affidavit—Rule 16 (1) of the principal rules is hereby amended by omitting the expression "thirty miles", and substituting the expression "50 kilometres".

8. Form of certificate for discharge of judgment debtor—The Second Schedule to the principal rules is hereby amended by omitting from form No. 19 (as substituted by rule 7 of the Imprisonment for Debt Limitation (District Courts) Rules 1949, Amendment No. 1) the words "section 56 of the Bankruptcy Act 1908", and substituting the words "section 8A of the Imprisonment for Debt Limitation Act 1908".

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the rules, but is intended to indicate their general effect.

These rules make a number of amendments to the Imprisonment for Debt Limitation (Magistrates' Courts) Rules 1949, now to be known as the Imprisonment for Debt Limitation (District Courts) Rules 1949.

Rule 1 relates to the Title and commencement.

Rule 2 changes the Title of the principal rules, and the amending rules, consequent upon the change of nomenclature enacted by the District Courts Amendment Act 1979.

Rule 3 revokes rule 7 (2) of the principal rules, which requires certain documents to be sealed with the Court seal. This matter is now to be governed by rule 9B of the District Courts Rules 1948.

Rules 4, 5, 6 (a), and 7 substitute for certain imperial measurements their approximate metric equivalents.

Rule 6 (b) raises from 5s to \$3.00 the amount below which conduct-money is not payable to a judgment debtor in respect of expenses incurred by him in attending a hearing of a judgment summons.

Rule 8 brings up to date a reference to a particular statutory provision in form No. 19.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 March 1980.

These rules are administered in the Department of Justice.